

FACTSHEET

TITLE: **MISCELLANEOUS NO. 01006**, a text amendment to the Land Subdivision Ordinance to add Section 26.07.115 and to amend Sections 26.07.120 and 26.15.040 of the Lincoln Municipal Code, requested by the City Attorney to adopt the revised Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS), and to clarify language relating to the minimum standards required by the National Flood Insurance Program and the State of Nebraska for floodplain management, by amending the Land Subdivision Ordinance.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/25/01
Administrative Action: 07/25/01

RECOMMENDATION: Approval (9-0: Krieser, Hunter, Steward, Taylor, Newman, Duvall, Carlson, Schwinn and Bayer voting 'yes').

STAFF RECOMMENDATION: Approval.

FINDINGS OF FACT:

1. This text amendment to the Land Subdivision Ordinance was heard at the same time as a text amendment to the Zoning Ordinance. Similar proposed text amendments to the County Subdivision Resolution and County Zoning Resolution were also heard at the same time.
2. This is a housekeeping item to adopt the revised Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS), and to clarify language relating to the minimum standards required by the National Flood Insurance Program and the State of Nebraska for floodplain management. The primary change to the maps is that the information has been digitized and organized into one complete set that includes the City, County and other incorporated areas. A public process for properties affected by the few map revisions that modify the floodplain or floodway boundaries occurred last year.

The minimum NFIP regulations have not changed, and in spite of any omissions in the language of our local ordinance, Lincoln has been enforcing the NFIP regulations, thus, *these revisions will not change how Lincoln administers the program*. The text changes are required as a condition of continued eligibility in the National Flood Insurance Program (NFIP). Lincoln must adopt the revised maps and re-certify compliance with minimum floodplain management regulations prior to September 21, 2001.

3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-7.
4. There was no testimony in opposition.
5. On July 25, 2001, the Planning Commission agreed with the staff recommendation of approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 30, 2001

REVIEWED BY: _____

DATE: July 30, 2001

REFERENCE NUMBER: FS\CC\FSM01006

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3331
Miscellaneous #01006

DATE: July 11, 2001

Note: This is a combined staff report for two related text changes. This report contains a single background and analysis section for both items. However, proposed revisions to the Lincoln Zoning Ordinance and to the Land Subdivision Ordinance are attached separately at the end of the report.

PROPOSAL:

Application by the City Attorney to adopt the revised Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS), and to clarify language relating to the minimum standards required by the National Flood Insurance Program and the State of Nebraska for floodplain management, by amending the Lincoln Zoning and Subdivision Ordinances as follows:

CHANGE OF ZONE NO. 3331

Revisions to Zoning Ordinance

Text amendment to revise Chapter 27.55, "Flood Plain District" of the Lincoln Zoning Ordinance by amending Section 27.55.010, "Scope of Regulations" to adopt the revised Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) and to delete the reference to the Flood Boundary and Floodway Maps; amending Section 27.55.020, "Definitions," to add definitions for Flood Insurance Study and Historic Structure, to modify the definition of Flood Insurance Rate Map and Flood Plain, and to delete the definition of Flood Boundary and Floodway Map; amending Section 27.55.030, "Standards," and 27.55.040, "Administration," to add provisions regarding Special Flood Hazard Areas Zone AO and Zone A and to make various other revisions to clarify language relating to the minimum standards required by the National Flood Insurance Program and State of Nebraska for floodplain management.

MISCELLANEOUS NO. 01006

Revisions to Land Subdivision Ordinance

Text amendment to revise Chapter 26.07, "Definitions," and Chapter 26.15, "Preliminary Plat" of the Lincoln Subdivision Ordinance to add Section 26.070.115, "Flood Insurance Study," to adopt the revised Flood Insurance Study; to amend Section 26.07.120, "Flood Plain" to adopt the revised Flood Insurance Rate Maps; and to amend Section 26.15.040, "Preliminary Plat," to add provisions regarding Special Flood Hazard Area Zone A to clarify language relating to the minimum standards required by the National Flood Insurance Program and State of Nebraska for floodplain management.

SUMMARY:

This is a housekeeping item to adopt the revised Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS), and to clarify language relating to the minimum standards required by the National Flood Insurance Program and the State of Nebraska for floodplain management. The primary change to the maps is that the information has been digitized and organized into one complete set that

includes the City, County and other incorporated areas. A public process for properties affected by the few map revisions that modify the floodplain or floodway boundaries occurred last year.

The minimum NFIP regulations have not changed, and in spite of any omissions in the language of our local ordinance, Lincoln has been enforcing the NFIP regulations, thus, *these revisions will not change how Lincoln administers the program*. The text changes are required as a condition of continued eligibility in the National Flood Insurance Program (NFIP). Lincoln must adopt the revised maps and re-certify compliance with minimum floodplain management regulations prior to September 21, 2001.

GENERAL INFORMATION:

APPLICANT: Dana Roper, City Attorney
Law Department
Justice & Law Enforcement Center
575 S. 10th Street, Suite 4201
Lincoln, NE 68508

CONTACTS:	Nicole Fleck-Tooze Public Works & Utilities Dept. 555 S. 10 th Street Lincoln, NE 68508 (402) 441-6173	Mike DeKalb Planning Dept. 555 S. 10 th Street Lincoln, NE 68508 (402) 441-6370
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HISTORY:

October of 1998. Lincoln and Lancaster County received preliminary copies of the revised FIRM and FIS for review and comment. The primary change to the maps is that the information has been digitized and organized into one complete set that includes the City, County and other incorporated areas. There are also some minor changes within Lincoln and Lancaster County, many, but not all, of which reflect existing Letters of Map Revision that are already effective.

August of 2000. FEMA gave public notice in the Lincoln Journal Star on August 15, 2000 and August 22, 2000 for those map revisions which will modify the boundaries of the floodplain or floodway, and provided for a 90-day appeal period. These map revisions are described below in the analysis. The basis for any appeal was required to be information indicating that the revisions were scientifically or technically incorrect. The City and County supplemented this public notice with written notification to 14 property owners within the affected areas, including a map and a contact number for questions (see attached letter for example). The City and County received no questions, comments, or appeals following the notification.

ANALYSIS:

1. As a condition of continued eligibility in the National Flood Insurance Program (NFIP), Lincoln is required to adopt the revised maps and to re-certify adoption of floodplain management regulations that meet the minimum federal and state requirements prior to September 21, 2001.

2. The proposed ordinance revisions adopt the revised maps and amend the text of the ordinances to clarify language relating to the minimum federal and state requirements to ensure Lincoln's continued compliance with the NFIP.

Maps

3. The revised maps change some of the names used for zones within the floodplain. The table below describes the purpose of each zone and the change in name for each of the zones applicable or potentially applicable in the future to the City of Lincoln:

Old Name	New Name	Description
Zone A "Unnumbered" A Zone	Zone A	100-year floodplain where no base flood elevations or depths are shown.
Zones A1-A30 "Numbered" A Zones	Zone AE	100-year floodplain where base flood elevations are provided.
Zone B	Zone X	500-year floodplain.
Zone C	Zone X	Areas outside the 100- and 500-year floodplains.
Zone AH	Zone AH	Areas of 100-year shallow flooding (usually ponding) where average depths are 1-3 feet and base flood elevations are determined. There are no AH Zones located within Lincoln's jurisdiction , however text referring to this zone is included in the zoning regulations for any future case in which such a zone is designated on the FIRM maps for Lincoln.

Old Name	New Name	Description
Zone AO	Zone AO	Areas of 100-year shallow flooding (usually sheet flow) where average depths are 1-3 feet and are shown to the nearest foot. There is only one small area of AO Zone within Lincoln , located in a triangular area at approximately 30th and Huntington, southeast of the railroad tracks (see attached map). The ownership within this area appears to be entirely City of Lincoln and Omaha Lincoln and Beatrice Railroad.
Zone A99	Zone A99	Areas to be protected from the 100-year flood by a federal flood protection system under construction. Lincoln presently has no A99 Zone. However, there may be the potential for an A99 zone to be designated at some time in the future.

4. Map revisions within the City and County that modify the boundaries of the floodplain or floodway are shown on the attached maps and described as follows:
 - a. **Addition of a Floodway along Salt Creek** from approximately 105th to 115th Streets.
 - b. **Addition of a Floodway along Stevens Creek** for approximately 1/2 mile north of Van Dorn Street. **Addition of a small amount of 100-Year and 500-Year Floodplain** to the western edge of the existing floodplain north of Van Dorn Street.
 - c. **Removal of a portion of the Middle Creek 100-Year Floodplain** east of NW 98th St.
 - d. **Addition a Floodway along Salt Creek** from Saltillo Rd. to approximately 1/3 mile south of Rokeby Road (*within Wilderness Park*).

As stated above, public notice and notice to individual property owners regarding these map revisions was provided in August of last year. No questions, comments, or appeals were received.

Text Revisions

5. Lincoln's ordinances are required to reflect the minimum requirements of the NFIP regulations. *These regulations have not changed*, however it became evident upon review of the Zoning and Subdivision Ordinances (in consultation with the State NFIP Coordinator) that not all of the NFIP regulations were clearly reflected in Lincoln's ordinances.
6. The inclusion of these NFIP regulations is required as a condition of continued eligibility in the National Flood Insurance Program (NFIP), and the revisions are being made in order to re-

certify Lincoln's adoption of floodplain management regulations that meet the minimum federal and state requirements. In spite of any omissions in the language of our local ordinance, Lincoln has been enforcing the NFIP regulations, thus, *these revisions will not change how Lincoln administers the program.*

7. The following revisions are needed to the Zoning Ordinance to ensure compliance with the NFIP:

Revise Chapter 27.55, "Flood Plain District"

g Amend Section 27.55.010, "Scope of Regulations" to:

- adopt revised Flood Insurance Rate Maps (FIRM)
- adopt revised Flood Insurance Study (FIS)
- delete reference to Flood Boundary and Floodway Maps (now obsolete)

g Amending Section 27.55.020, "Definitions," to:

- add definition for Flood Insurance Study
- add definition for Historic Structure
- modify definition of Flood Insurance Rate Map
- modify definition of Flood Plain to refer to revised maps and zones
- delete definition of Flood Boundary and Floodway Map

g Amend Section 27.55.030, "Standards," to:

- add provisions for Zone AO. There are no base flood elevations provided in Zone AO. Instead, flood depths are provided on the FIRM. Therefore structures must be protected at least one foot above the depth of the flood water identified in that location.
- make various minor revisions to clarify language relating to the minimum standards

g Amend Section 27.55.040, "Administration," to:

- add provisions regarding Zone A to clarify that base flood elevation data is required to be submitted for development proposals greater than 5 acres. This requirement is an existing NFIP regulation that has been in practice but was not specifically reflected in Lincoln's Zoning Ordinance.

8. **The following revisions are needed to the Subdivision Ordinance to ensure compliance with the NFIP:**

Revise Chapter 26.07, "Definitions"

g Add Section 26.070.115, "Flood Insurance Study," to:

- adopt the revised Flood Insurance Study

g Amend Section 26.07.120, "Flood Plain" to:

- adopt the revised Flood Insurance Rate Maps and to indicate that they will be on file in the Department of Building and Safety

Revise Chapter 26.15, "Preliminary Plat" to:

- amend Section 26.15.040, "Development Within Flood Plain," to add provisions regarding Zone A to clarify that base flood elevation data must be submitted for these zones where no base flood elevations have been determined by FEMA. Presently, the subdivision regulations require "all hydrological and grade information...necessary to determine the frequency and extent that the subdivision is subject to inundation by flood water." *Base (100-year) flood elevations are required as part of this information today.* This text revision simply clarifies that the hydrological information must include base flood elevations even when they are not provided on the FIRM maps.

STAFF RECOMMENDATION: Approval of the attached text changes to the Zoning Ordinance and Land Subdivision Ordinance.

Prepared by:

Mike DeKalb, Planning Department with
Nicole Fleck-Tooze, Public Works & Utilities Dept.

**COUNTY CHANGE OF ZONE NO. 206;
COUNTY MISCELLANEOUS NO. 01007;
CHANGE OF ZONE NO. 3331; and
MISCELLANEOUS NO. 01006**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 25, 2001

Members present: Krieser, Hunter, Steward, Taylor, Newman, Duvall, Carlson, Schwinn and Bayer.

Planning staff recommendation: Approval.

These applications were removed from the Consent Agenda and had separate public hearing.

Proponents

1. Nicole Fleck-Tooze of the Public Works Department submitted the legislative format of the text revisions for the County and City subdivision regulations. These revisions are described in the staff report but the legislative format was inadvertently not attached to the staff report.

There was no testimony in opposition.

Public hearing was closed.

COUNTY CHANGE OF ZONE NO. 206

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 25, 2001

Steward moved approval, seconded by Krieser and carried 9-0: Krieser, Hunter, Steward, Taylor, Newman, Duvall, Carlson, Schwinn and Bayer voting 'yes'.

COUNTY MISCELLANEOUS NO. 01007

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 25, 2001

Steward moved approval, seconded by Hunter and carried 9-0: Krieser, Hunter, Steward, Taylor, Newman, Duvall, Carlson, Schwinn and Bayer voting 'yes'.

CHANGE OF ZONE NO. 3331

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 25, 2001

Steward moved approval, seconded by Schwinn and carried 9-0: Krieser, Hunter, Steward, Taylor, Newman, Duvall, Carlson, Schwinn and Bayer voting 'yes'.

MISCELLANEOUS NO. 01006

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

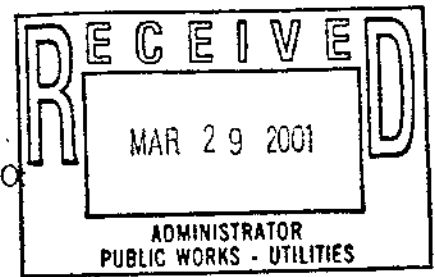
July 25, 2001

Steward moved approval, seconded by Schwinn and carried 9-0: Krieser, Hunter, Steward, Taylor, Newman, Duvall, Carlson, Schwinn and Bayer voting 'yes'.



Federal Emergency Management Agency

Washington, D.C. 20472



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO
19P

March 21, 2001

The Honorable Don Wesley
Mayor, City of Lincoln
555 South 10th Street
Lincoln, NE 68508

Community: City of Lincoln, NE
Community No.: 315273
Map Panels Affected: See Attached List

Dear Mayor Wesley:

This is to formally notify you of the final flood elevation determination for the City of Lincoln, Lancaster County, Nebraska, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood elevations shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

On September 30, 1998, the Federal Emergency Management Agency (FEMA) provided your community with Preliminary copies of the Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) for Lancaster County, Nebraska and Incorporated Areas for your review and comment. FEMA prepared the updated FIRM directly from the effective FIRMs for your community and other communities in Lancaster County using a process that involves capturing data in a digital (computer-readable) format and plotting map panels using a specialized computer technology. The effective FIRMs identified the Special Flood Hazard Areas (SFHAs) in your community and other communities in Lancaster County. We have incorporated all essential information from the previously effective FIRMs, including elevations of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

During the processing of the updated FIS report and FIRM, we determined that modifications to the Base Flood Elevations (BFEs) for the City of Lincoln, Lancaster County, Nebraska were appropriate. The proposed BFEs for your community were published in the *Lincoln Star Journal* on August 15 and August 22, and in the *Federal Register*, at 65 FR68966, on November 15, 2000.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed BFEs during that time. Accordingly, the BFEs for your community are considered final. The final rule for BFEs will be published in the *Federal Register* as soon as possible. The FIRM and FIS report for your community will become effective on September 21, 2001. Before the effective date, FEMA will send you final printed copies of the FIRM and FIS report.

Because the FIS establishing the BFEs for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to September 21, 2001, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the enclosed NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all of the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all of the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations;
or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

In addition to your community using the FIS report and FIRM to manage development in the floodplain, FEMA will use the FIS to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

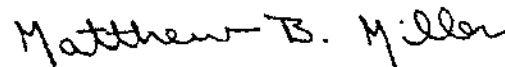
When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Paper copies of the FIRM panels may be obtained by calling our Map Service Center, toll free, at 1-800-358-9616. Copies of the digital files may be obtained by calling our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

FEMA makes flood insurance available in participating communities; in addition, we encourage communities to develop their own loss reduction and prevention programs. Through the *Project Impact: Building Disaster Resistant Communities* initiative, launched by FEMA in 1997, we seek to focus the energy of businesses, citizens, and communities in the United States on the importance of reducing their susceptibility to the impact of all natural disasters, including floods, hurricanes, severe storms, earthquakes, and wildfires. Natural hazard mitigation is most effective when it is planned for and implemented at the local level, by the entities who are most knowledgeable of local conditions and whose economic stability and safety are at stake. For your information, we are enclosing a copy of a pamphlet describing this nationwide initiative. For additional information on *Project Impact*, please visit our website at www.fema.gov/impact.

If your community is encountering difficulties in enacting the necessary floodplain management measures, we urge you to call the Director, Mitigation Division of FEMA in Kansas City, Missouri, at (816) 283-7002, for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,



Matthew B. Miller, P. E., Chief
Hazards Study Branch
Mitigation Directorate

List of Enclosures:

"National Flood Insurance Program Elevation Certificate and Instructions"
"Frequently Asked Questions Regarding the Effect That Revised Flood Hazards Have on Existing Structures"
"Lowest Floor Elevation Certifications for Flood Insurance Post Flood Insurance Rate Map Construction"
"Use of Flood Insurance Study (FIS) Data as Available Data"
"National Flood Insurance Program Regulations"
"Project Impact: Building A Disaster Resistant Community"
Final Summary of Map Actions

cc: Community Map Repository

Mr. Dale Stertz
Plans Examiner
City of Lincoln

Lincoln



Nebraska's Capital City

August 17, 2000

United Lely Investments
8825 Tamaimi Trail
Naples, FL 33962

RE: Proposed Revisions to FEMA Floodplain Maps

Dear Property Owner:

This letter is to inform you that the Federal Emergency Management Agency (FEMA) is proposing revisions to the Flood Insurance Study and the Flood Insurance Rate Map. One of these revisions, a new Floodway along a portion of Salt Creek, appears to affect your property and is shown on the attached map.

Preliminary maps reflecting the proposed revisions are available for review at the Building and Safety Department, located at 555 South 10th Street, in the second floor of the County/City Building. *If you have any questions regarding the proposed revisions, please contact the Building and Safety Department at 441-6449.*

Please note that if the proposed revisions are finalized, there are special regulations that apply to the Floodway, found in Chapter 27.55 of the Lincoln Zoning Ordinance and Article 11 of the County Zoning Regulations, which limit the uses in these areas and prohibit construction, fill and other activities that would result in an increase in the 100-year flood elevation. An explanation of these regulations can be provided by the Building and Safety Department.

FEMA has indicated that notification of the proposed map revisions will appear in the Lincoln Journal Star on August 22, 2000. There will be a 90-day appeal period following this publication. The basis for all appeals must be information indicating revisions are scientifically or technically incorrect, and the appeal period cannot be extended. Any owner or lessee whose property will be affected should appeal directly to the City or County, who will forward copies of appeal data from individuals to FEMA as they are received.

Written appeals concerning the County should be sent to:
The Honorable Kathy Campbell
Chair, Lancaster County Board of Commissioners
555 South 10th Street
Lincoln, NE 68508

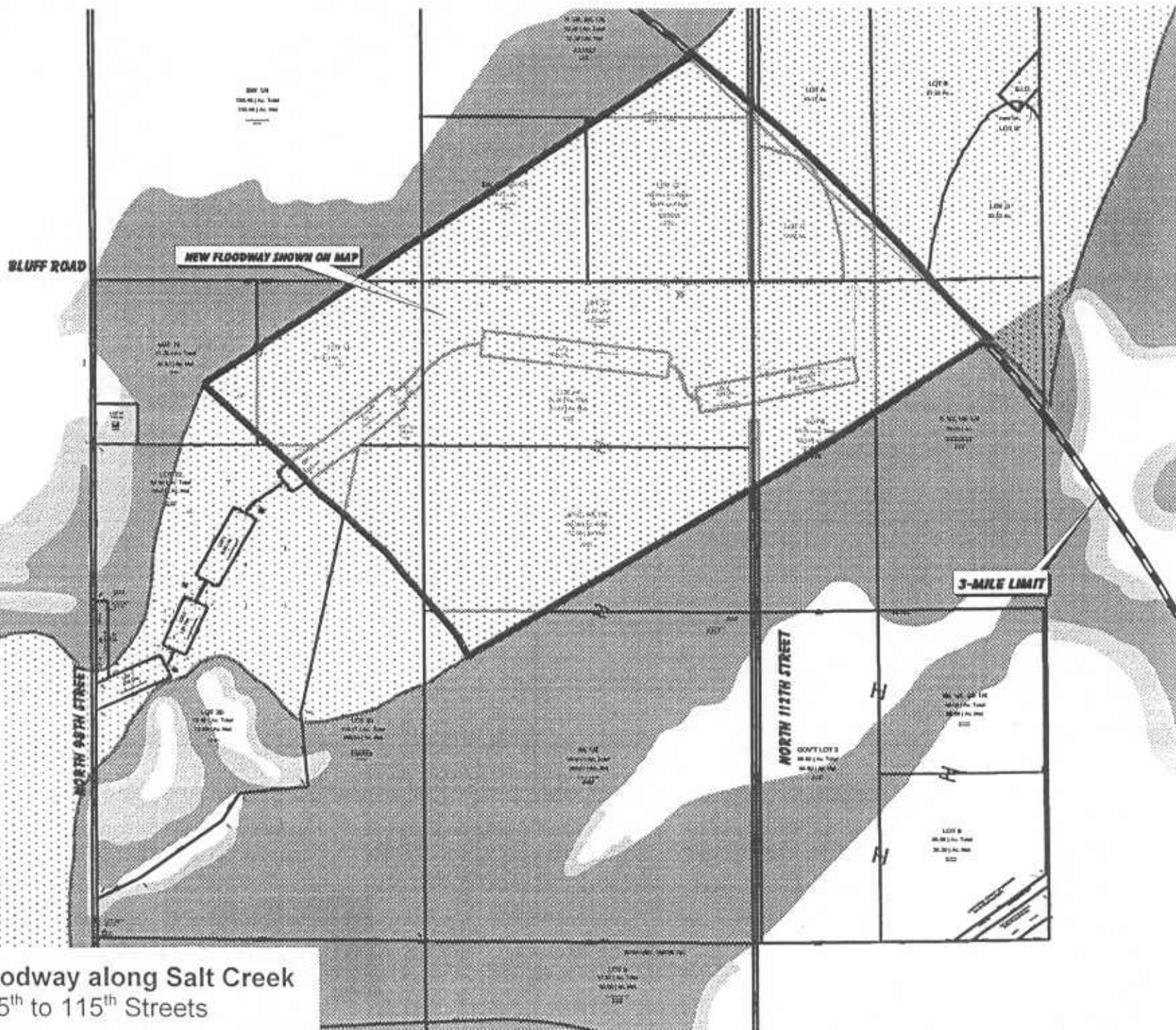
Written appeals concerning the City should be sent to:
The Honorable Don Wesely
Mayor, City of Lincoln
555 South 10th Street
Lincoln, NE 68508

Sincerely,


Nicole Fleck-Tooze
Planner

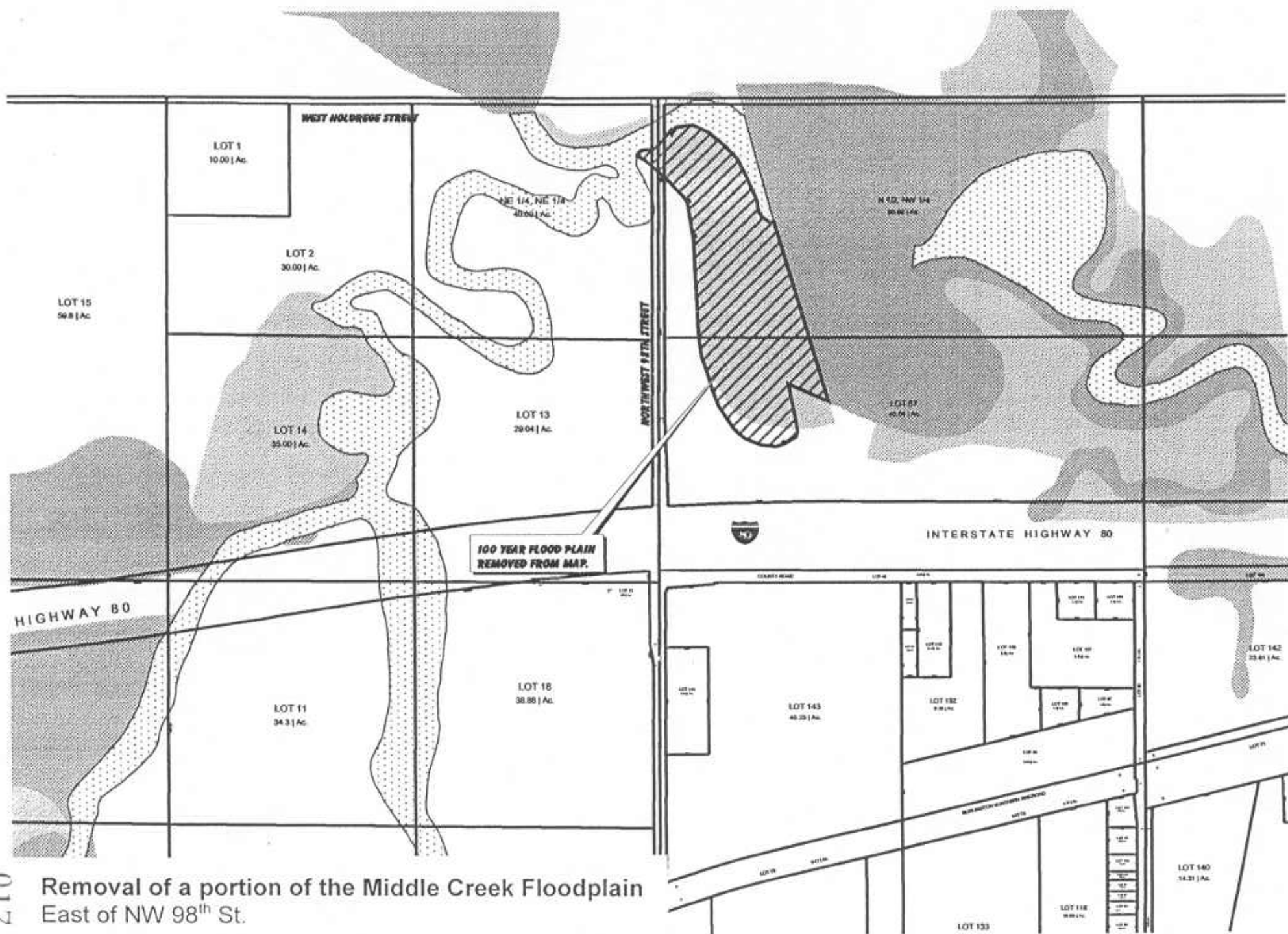
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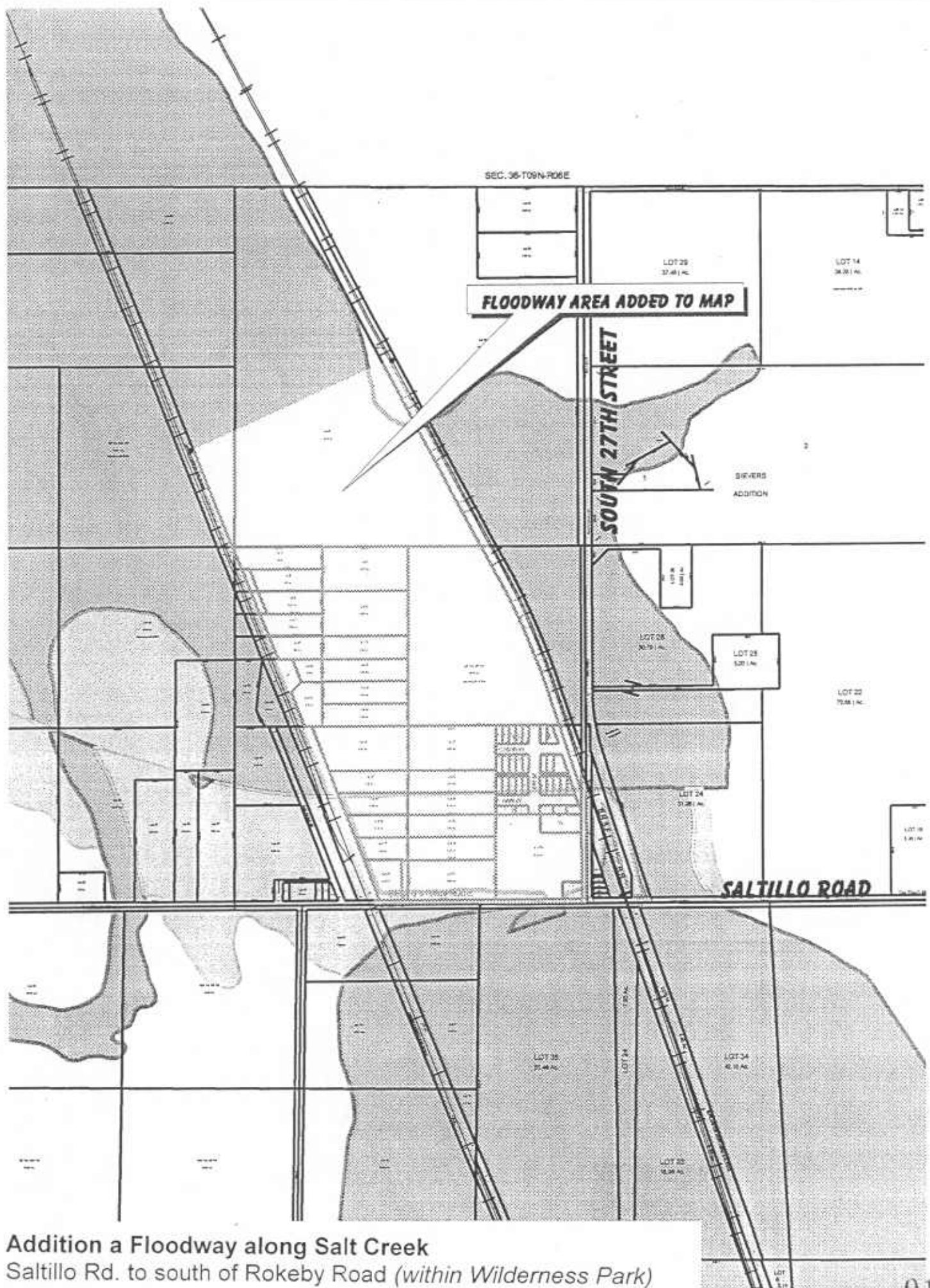




Addition of a Floodway along Salt Creek
Approximately 105th to 115th Streets







Addition a Floodway along Salt Creek
 Saltillo Rd. to south of Rokeby Road (*within Wilderness Park*)

01-

Introduce:

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 26, the Land Subdivision Ordinance, of the
2 Lincoln Municipal Code by adding a new section numbered 26.07.115 to add a definition of
3 "Flood Insurance Study"; by amending Section 26.07.120 to amend the definition of "flood
4 plain" to base the regulatory flood plain on FEMA's September 21, 2001 Flood Insurance Rate
5 Map; by amending Section 26.15.040, Development Within Flood Plain, to require the
6 subdivider to provide base flood elevation data for preliminary plats located within Zone A;
7 and repealing Sections 26.07.120 and 26.15.040 of the Lincoln Municipal Code as hitherto
8 existing.

9 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

10 Section 1. That Chapter 26.07 of the Lincoln Municipal Code be amended by
11 adding a new section numbered 26.07.115 to read as follows:

12 **26.07.115 Flood Insurance Study.**

13 **Flood Insurance Study (FIS) shall mean the Flood Insurance Study for Lancaster County,**
14 **Nebraska and Incorporated Areas published by FEMA in conjunction with the FIRM and**
15 **containing background data such as base flood discharges and water surface elevations used**
16 **to prepare the FIRM.**

17 Section 2. That Section 26.07.120 of the Lincoln Municipal Code be amended
18 to read as follows:

1 **26.07.120 Flood Plain.**

2 Flood plain shall mean those lands within the zoning jurisdiction of the City of Lincoln
3 which are subject to a one percent or greater chance of flooding in any given year. The
4 regulatory flood plain for this title shall be based on the September 21, 2001 official Flood
5 Insurance Rate Map (FIRM for Lancaster County, Nebraska and Incorporated Areas and
6 flood boundary and floodway map issued by the Federal Emergency Management Agency
7 and any revision thereto. Copies of the said maps shall be on file in the ~~office of the City~~
8 Clerk Department of Building and Safety.

9 Section 3. That Section 26.15.040 of the Lincoln Municipal Code be amended
10 to read as follows:

11 **26.15.040 Development Within Flood Plain.**

12 The following additional information shall be included with the preliminary plat if any
13 part of the subdivision is within the flood plain:

14 (a) All hydrological and grade information in NAVD 1988, including base flood
15 elevation data within Zone A (no base flood elevations determined), which is necessary to
16 determine the frequency and extent that the subdivision is subject to inundation by flood
17 water, except that this shall not apply where the use of the property is not being changed and
18 where there are no physical changes on the site which have the potential to increase the flood
19 hazard. When utilizing NGVD based flood elevations from FEMA floodplain maps, 0.50 feet
20 shall be added to NGVD 1929 to obtain NAVD 1988, unless a more accurate conversion
21 factor using an established conversion program is demonstrated to the satisfaction of the
22 Director of Public Works and Utilities. Notwithstanding the above, hydrological and grade

1 information included with a preliminary plat submitted before March 1, 2000 may be in either
2 city datum or NAVD 1988.

3 (b) The type and extent of the proposed use or development of the land which is
4 located within the flood plain, along with such information as is necessary to determine the
5 effect flood waters will have on such development and use and the effect such development
6 and use may have upon the flood waters. All such information shall show the location of the
7 proposed use, areas of habitation and employment, including the location, size, and floor
8 elevation of any structures, the location and elevation of all parking areas, and the use,
9 location, and elevations of all open land areas.

10 (c) All plans and other information required herein shall conform to the
11 development standards of this title.

12 (d) The limits of the 100-year flood plain.

13 (e) The amount of fill material brought into the flood plain from outside the flood
14 plain. If fill is from within the flood plain, give the location of the borrow area.

15 (f) Should proposed grading occur in the regulatory floodway, a certification by a
16 professional engineer or hydrologist demonstrating the grading will not result in any increase
17 in the flood level during the occurrence of the base flood discharge.

18 Section 4. That Sections 26.07.120 and 27.15.040 of the Lincoln Municipal
19 Code as hitherto existing be and the same are hereby repealed.

1 Section 5. That this ordinance shall take effect and be in force from and after
2 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Approved this ___ day of _____, 2001:

Mayor